



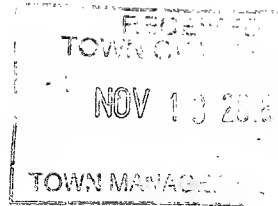
Mead, Talerman & Costa, LLC
Attorneys at Law

730 Main Street
Suite 1F
Millis, MA 02054
Phone 508.376.8400

www.mtclawyers.com

November 9, 2018

Weston Board of Selectmen
Weston Town Hall
P.O. Box 378
11 Town House Road
Weston, MA 02493



Re: Woodleigh Farm - 751 Boston Post Road – c. 40B project (the “Project”)

Dear members of the Board of Selectmen:

Please be advised that I represent a group of concerned town residents with respect to the above referenced Project. Several of my clients are abutters to the Project. Please be further advised that, although my clients are supportive of c. 40B projects that will enhance the community, they are adamantly opposed to this particular Project. Furthermore, based upon my extensive experience representing similarly situated municipalities on c. 40B projects, I am at a loss as to how the Weston Board of Selectmen, which has opposed far less controversial projects, can lend their express support to this Project, which has virtually no redeemable qualities. My clients strongly and respectfully urge the Selectmen to abandon their support of this Project and, instead consider a municipal purchase of most or all of this property, pursuant to the rights that the Town has accrued under G.L. c. 61A.

As the Selectmen have aptly noted at their meetings on this matter, c. 40B places Towns at a severe disadvantage. To that end, my clients and I wholeheartedly agree that the Board should seek out and endorse projects that will both espouse principles of smart-growth and not adversely impact either the Town's resources or the health and safety of Town residents. Here, the Project fails any reasonably objective evaluation of smart-growth attributes, will virtually eradicate valuable agricultural properties and wetlands, will cause adverse traffic conditions and will create real safety hazards for residents thereof.

As a threshold matter, it is expected that every c. 40B project rate highly under the so-called “smart-growth scorecard”. To do so, each project is measured against the Commonwealth's ten sustainable development principles (see enclosed). Here, however, the Project utterly fails to adequately measure up. It is expected that the applicant will concentrate on the Project's location on a commuter road to demonstrate its smart-growth bona fides. However, there can be no dispute that the project is miles away from any village hub or mass-transit, is entirely car-dependent, will destroy existing farmland, will result in substantial wetlands alteration and has no nexus to any cognizable local or

Newburyport Office
30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

regional plan for the development of mixed-income housing. This Project is better characterized as the type of sprawl that common-sense planners would reject in almost every instance. Chapter 40B casts a long shadow over municipal home rule but it should not be an excuse for the abandonment of the type of sound planning principles that communities strive for.

Second, as aforesaid, the Project will completely eradicate a historical agricultural property. Weston residents nearly universally cherish and seek to preserve the dwindling agricultural properties that form the backbone of the Town's history. Here, the Selectmen have a golden opportunity to do just that. By exercising the Town's statutory right of first refusal, the Selectmen could, with a mere stroke of a pen, take an important step to preserve this historically significant agricultural property. Should the Selectmen choose to do so, they would not be committing to a purchase, but, rather would merely be allowing the Weston Town Meeting to vote on whether to purchase the property. However, for reasons that are unclear, the two non-conflicted Selectmen who will be deciding the fate of this parcel, have refused to consider submitting a potential purchase to the Town's legislative assembly and let the democratic process play out. At the very least, my clients strongly suggest that the Selectmen take a step back from the current proposal and work closely with the Town's Agricultural Commission, Conservation Commission, Historical Commission and Community Preservation Committee as well as interested citizens to fully evaluate the merits of preserving this property.

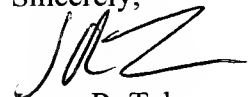
Third, this Project will harm vital wetland resources. The subject property contains various wetlands. It is pure folly to suggest that the developer could develop nearly two hundred units of housing, with its attendant roadways, parking areas and drainage facilities without damaging the wetlands on site, including Cherry Brook. Moreover, damage to those wetlands affects other nearby environmental resources that are dependent on the function wetlands. Damage to the fragile ecosystem near the property raises a variety of other environmental issues as well, ranging from impacts to wildlife to concerns for introduction of pollutants to surface and ground water. Notwithstanding these plain and obvious concerns, the Selectmen appear poised to support this Project without even so much as a cursory environmental review by the proposed developer. At the very least, the current process must be halted until the developer provides a meaningful environmental review of this matter.

Similarly, the developer has yet to adequately study potential traffic impacts. While the general level of service on Boston Post Road may not be significantly impacted by the Project, the area immediately surrounding the Project is likely to be made far more hazardous as a result of the introduction of the Project. Traffic conflicts posed by a nearly 200-unit single-access project in close proximity to other roadways and driveways will most certainly increase the number of accidents in the area. Indeed, the accident history in the immediate area, which includes two fatalities, warrants a robust review of the Project design. Unless and until the developer can provide an adequate design that demonstrably mitigates these impacts, the Selectmen should refrain from an endorsement. Relatedly, the Project's dependence on a single main point of access and a series of narrow internal roadways will hinder emergency access by the Weston Fire Department. There are several notable c. 40B decisions where denials have been upheld due to lack of acceptable emergency access. This is because when there is a potential delay in access in the event of a fire or other incident, the risk of injury, or even death, to residents or firefighters increases.

Please be assured that my clients are not against the development of common-sense affordable housing. It is even conceivable that a small portion of this property could be developed in a way that otherwise preserves farmland and mitigates impacts. However, to date, there is plainly a rush to judgment on this project. In the past, the Selectmen have taken a much more measured view of housing projects and have demanded more information before they provide their endorsement. While the reasons for a rush to judgment with respect to this Project are murky, my clients strenuously recommend that the Selectmen take a step back and re-evaluate the Town's position.

I hope that this letter is helpful. Please do not hesitate to contact me with any questions that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'JRT', written over a horizontal line.

Jason R. Talerman

Enc.

Cc: Conservation Commission
Fire Department
Planning Board

Sustainable Development Principles

The Commonwealth of Massachusetts shall care for the built and natural environment by promoting sustainable development through integrated energy and environment, housing and economic development, transportation and other policies, programs, investments, and regulations. The Commonwealth will encourage the coordination and cooperation of all agencies, invest public funds wisely in smart growth and equitable development, give priority to investments that will deliver good jobs and good wages, transit access, housing, and open space, in accordance with the following sustainable development principles. Furthermore, the Commonwealth shall seek to advance these principles in partnership with regional and municipal governments, non-profit organizations, business, and other stakeholders.



1. Concentrate Development and Mix Uses

Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

2. Advance Equity

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.



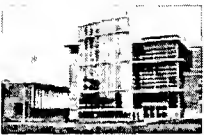
3. Make Efficient Decisions

Make regulatory and permitting processes for development clear, predictable, coordinated, and timely in accordance with smart growth and environmental stewardship.



4. Protect Land and Ecosystems

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.



5. Use Natural Resources Wisely

Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, and materials.



6. Expand Housing Opportunities

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and smaller single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.



7. Provide Transportation Choice

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling, and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.



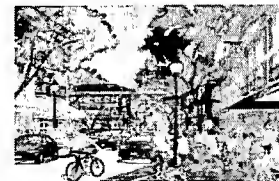
8. Increase Job and Business Opportunities

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training, and entrepreneurial opportunities. Support the growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology, and fisheries.



9. Promote Clean Energy

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.



10. Plan Regionally

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long-term costs and benefits to the Commonwealth.

